



**4-1**  
**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> February 4, 2005 <b>LOCAL EFFECTIVE DATE</b> February 18, 2005 <b>APPROX FINAL EFFECTIVE DATE</b> March 11, 2005	<b>CONTACT/PHONE</b> Murry Wilson (805) 788-2352	<b>APPLICANT</b> Art and Yecenia Silvas	<b>FILE NO.</b> DRC2004-00045
<b>SUBJECT</b> Request by Art and Yecenia Silvas for a Minor Use Permit / Coastal Development Permit to allow an addition of approximately 1,400 square feet of living area and a 424 square foot garage. The project will result in the disturbance of approximately 2,000 square feet of a 28,000 square foot parcel. The proposed project is within the Residential Suburban land use category and is located at 2040 Olivera in the village of Callendar Garrett. The site is in the South County (coastal) planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit / Coastal Development Permit DRC2004-00045 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 was issued on January 12, 2005 (ED#04-308).			
<b>LAND USE CATEGORY</b> Residential Suburban	<b>COMBINING DESIGNATION</b> Local Coastal Program, Coastal Appealable Zone	<b>ASSESSOR PARCEL NUMBER</b> 091-194-028	<b>SUPERVISOR DISTRICT(S)</b> 4
<b>PLANNING AREA STANDARDS:</b> None <i>Does the project meet applicable Planning Area Standards: Not applicable</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Setbacks, Height, Parking, Local Coastal Program Area, Coastal Appealable Zone <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

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EXISTING USES: Single-family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / Residence <i>East:</i> Residential Suburban / Residence <i>South:</i> Industrial / Industrial <i>West:</i> Residential Suburban / Residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Arroyo Grande Community Advisory Group, Public Works, CDF, Cal Trans, California Coastal Commission	
TOPOGRAPHY: Nearly level	VEGETATION: Grasses and ornamentals
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: December 29, 2004

## DISCUSSION

**PLANNING AREA STANDARDS:** There are no planning area standards applicable to this project.

### LAND USE ORDINANCE STANDARDS:

**Height:** The height limit for structures within the Residential Suburban category is 35 feet. *The project complies with this standard because the maximum height of the addition is 23 feet 7 inches.*

**Setbacks:** The Coastal Zone Land Use Ordinance for residential uses determines the setbacks for the subject property. The required setbacks are as follows: front - 25 feet, side - 5 feet, and the rear - 30 feet. *The project complies with these standards with a front setback of 84 feet, side setbacks are 13 feet 11 inches and 34 feet 8 inches, and the rear setback of 56 feet.*

**Parking:** The Coastal Zone Land Use Ordinance for residential uses determines the parking standards for the subject property. Two parking spaces are required per dwelling unit and this project is proposing two new covered spaces and two covered spaces currently exist. *The project complies with this standard because the applicant is providing four covered parking spaces.*

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

**COASTAL PLAN POLICIES:** This project is in compliance with the Coastal Plan Policies. The most relevant policies are discussed below.

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒

Policy No(s): 1

Coastal Watersheds: ☒ Policy No(s): 7, 8, 9, 10  
Visual and Scenic Resources: N/A  
Hazards: N/A  
Archeology: N/A  
Air Quality: N/A

**COASTAL PLAN POLICY DISCUSSION:**

***Public Works Policies:***

*Policy 1: Availability of Service Capacity:* The project consists of an approximate 1,400 square feet of living area and a 424 square foot garage addition. A will-serve letter will be required as a condition of approval prior to issuance of building permits to ensure the property can be serviced with water.

***Coastal Watershed Policies:***

*Policy 7: Siting of New Development:* The proposed project is consistent with this policy because the residence will not be located on slopes over 20% and it is not in an environmentally sensitive habitat area.

*Policy 8: Timing of Construction and Grading:* The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

*Policy 9: Techniques for minimizing Sedimentation:* The proposed project is subject to CZLUO Section 23.05.036 and appropriate control measures will be used to minimize erosion and sedimentation.

*Policy 10: Drainage Provisions:* The applicant will be required to submit a drainage plan prior to permit issuance that will ensure that drainage does not increase erosion.

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

**COMMUNITY ADVISORY GROUP COMMENTS (City of Arroyo Grande):** The City requests fire and traffic impact fees in addition to those collected by the County to offset road and service responses.

**AGENCY REVIEW:**

Public Works – No concerns, addition is located in low spot of lot, no road fees will be due, no curb, gutter and sidewalk required.

CDF – The project must meet all fire department requirements.

California Coastal Commission – No response.

**LEGAL LOT STATUS:**

Both parcels are portions of Lot 77 in Division A of Pomeroy's Resubdivision of a part of the Los Berros Tract, which was filed for record September 26, 1903. The property owner will apply for a Request for Voluntary Merger to merge APNS: 091-194-028 and -059. This merger will resolve any outstanding legality concerns.

Staff report prepared by Murry Wilson and reviewed by Matt Janssen

**EXHIBIT A - FINDINGS**

*CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 1) pursuant to CEQA Guidelines Section 15301 because the project is an addition to a single-family residence.

*Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the project is an addition to an existing single-family residence and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies/does not satisfy all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is a residential addition and does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is a residential addition and is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is a residential addition and the project is located on Olivera Road, a private road constructed to a level able to handle any additional traffic associated with the project.

*Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

## EXHIBIT B - CONDITIONS OF APPROVAL

### Approved Development

1. This approval authorizes
  - a. An addition of approximately 1,400 square feet of living area and a 424 square foot garage. The project will result in the disturbance of approximately 2,000 square feet of a 28,000 square foot parcel.

### **Site Development**

2. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.

### **Fire Safety**

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated September 27, 2004.

### **Services**

4. **At the time of application for construction permits**, the applicant shall provide a letter from the local water provider stating they are willing and able to service the property.

### **Fees**

5. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

### **Voluntary Merger**

6. **Prior to issuance of a construction permit**, the applicant shall complete the Voluntary Merger application and submit the documentation of completion to the Department of Planning and Building for verification.

### **Public Works**

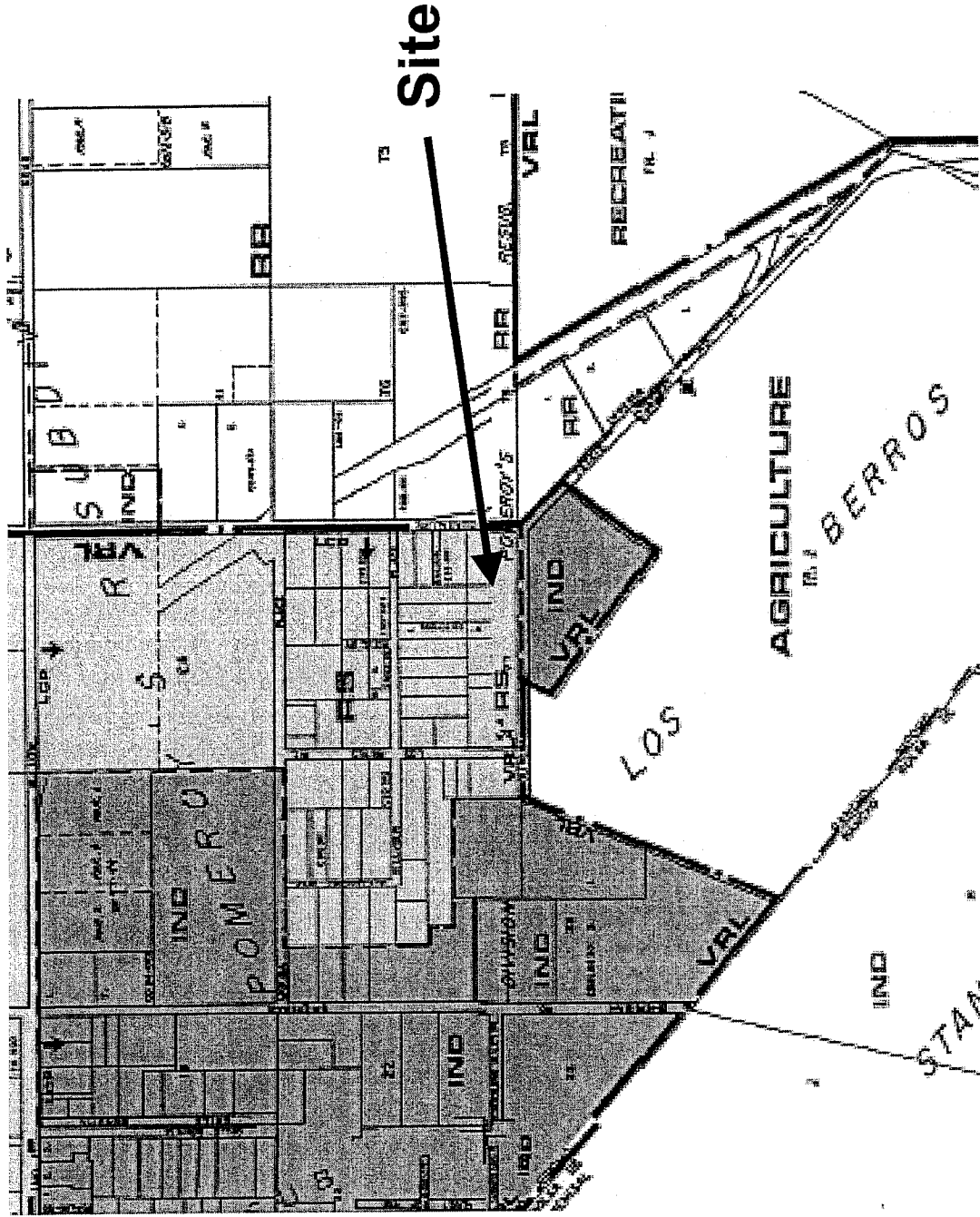
7. **Prior to issuance of a construction permit**, the applicant shall comply with all of the requirements of the County Public Works Department.

### **Building Height**

8. The maximum height of the project is 27-feet 7-inches (as measured from average natural grade).
9. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
11. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land

use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

12. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



**PROJECT**

Minor Use Permit  
Silvas - DRC2004-00045

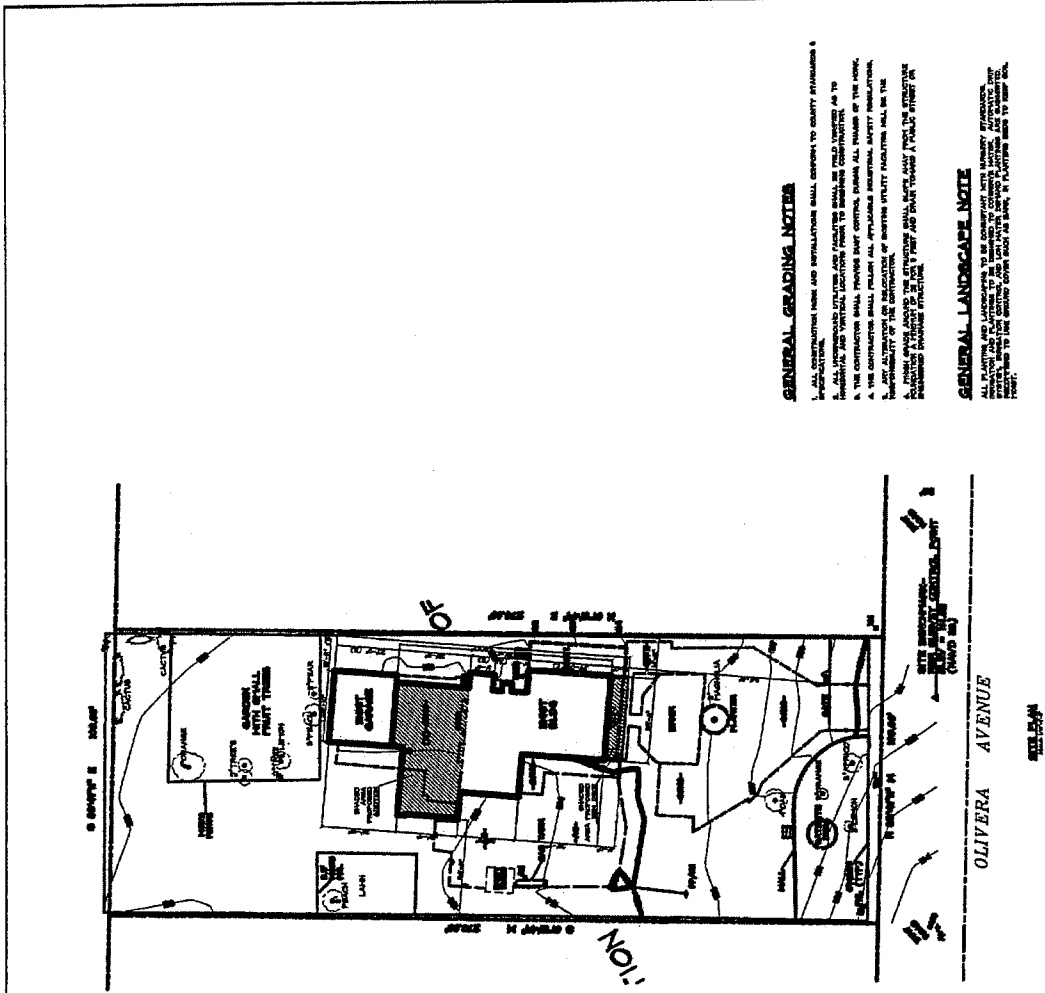


**EXHIBIT**

Vicinity / Land Use Category Map

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<b>KLIS Drafting &amp; Design</b> P.O. Box 1000 San Luis Obispo, CA 93406 TEL: 805.741.0001 FAX: 805.741.0002	<b>ADDITION</b> <b>SINGLE FAMILY</b> APR 05-14-05, 054	<b>PROPOSED</b> <b>SITE PLAN</b>	<p>THIS SITE PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE COUNTY ENGINEER. THE CONTRACTOR SHALL PROVIDE SURETY BOND TO COVER THE COST OF ANY CHANGES TO THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE COUNTY ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE COUNTY ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE COUNTY ENGINEER.</p> <p>REVISION: REVISION: REVISION: DATE APPROVED: SCALE: 1/8"=1'-0" DATE: NOV. 2004 SHEET PAGE 01 OF 01</p>
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Minor Use Permit  
Silvas - DRC2004-00045

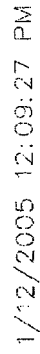
EXHIBIT

Site Plan









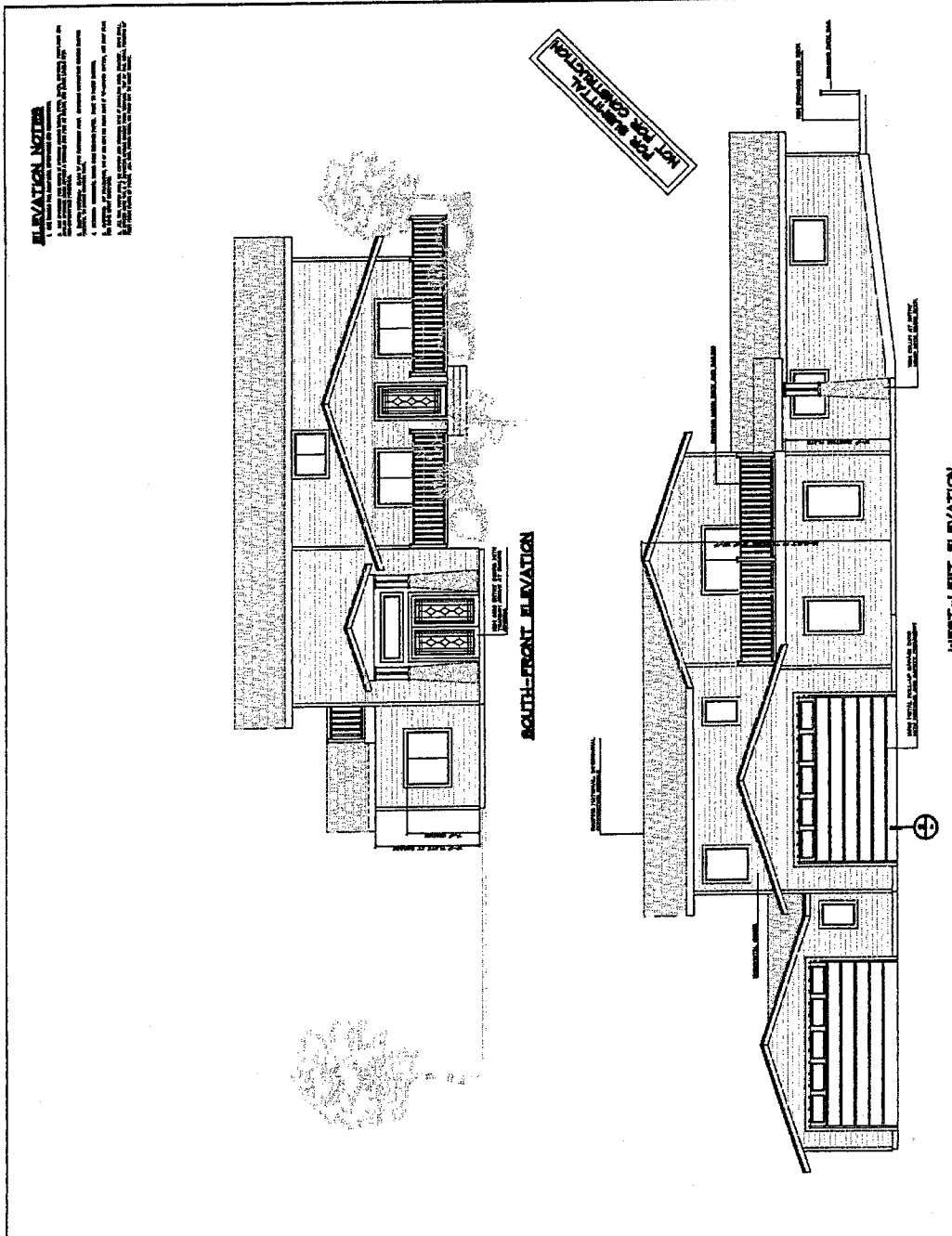
Silvas – DRC2004-00045

## Second Floor Plan



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<b>ELEVATIONS</b>		<b>ADDITION</b>	
KOS Drafting & Design P.O. Box 1000, Santa Barbara, CA 93103 Tel: 805.963.1000		Client: Armando Silva 2004 Alvarado Street Santa Barbara, CA 93103 Cell: 805.744.8004	
3045 OLIVERA, ARROYO GRANDE, CA 93021-0518		DATE: 05-14-05, 05M	
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Minor Use Permit  
Silvas - DRC2004-00045

EXHIBIT

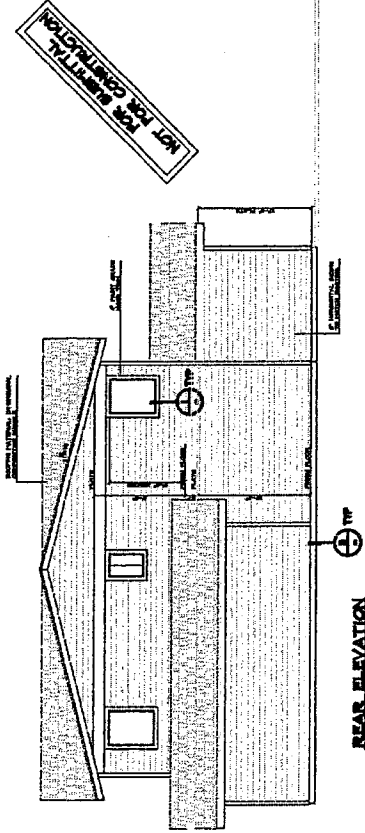
Elevations



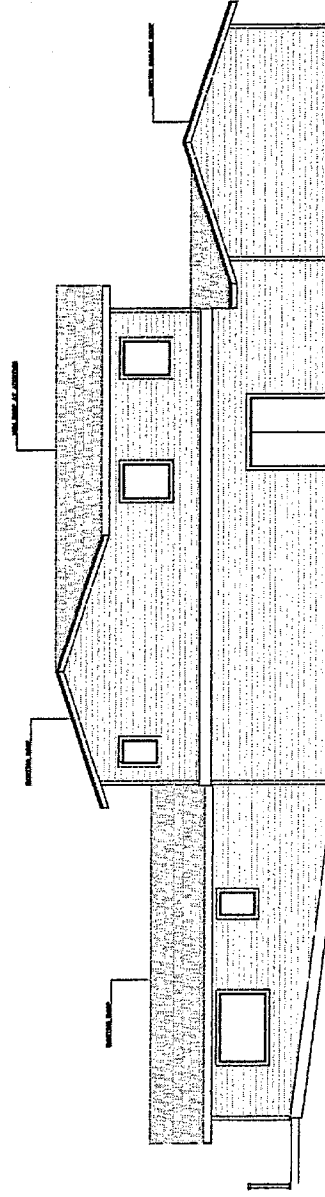
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**ELEVATION NOTES**

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. FINISH GRADE SHALL BE DETERMINED BY THE FIELD ENGINEER.
3. ALL MATERIALS SHALL BE APPROVED BY THE FIELD ENGINEER.
4. MATERIALS SHALL BE SUBMITTED TO THE FIELD ENGINEER FOR APPROVAL.
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10. ALL MATERIALS SHALL BE SUBMITTED TO THE FIELD ENGINEER FOR APPROVAL.



REAR ELEVATION



RIGHT ELEVATION

<b>ADDITION</b> 3040 OLIVERA, ANIMOTO GRANDE, CA APPROVED BY: [Signature] DATE: 08-19-03, 09/04	<b>ELEVATIONS</b>	<b>REVISIONS</b> REVISION APPROVED BY: [Signature] DATE: 08-19-03, 09/04 SCALE: 1/8" = 1'-0" DATE: NOV. 2004 SHEET A4 PAGE
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Minor Use Permit  
Silvas - DRC2004-00045

EXHIBIT

Elevations

